UNITED
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A/49/231
19 September 1994

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Forty-ninth session

REQUEST FOR THE INCLUSION OF AN ADDITIONAL ITEM IN THE AGENDA OF THE FORTY-NINTH SESSION

QUESTION OF CRITERIA FOR THE GRANTING OF OBSERVER STATUS IN THE GENERAL ASSEMBLY

Letter dated 19 September 1994 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General

In accordance with rule 15 of the rules of procedure of the General Assembly, I have the honour to request the inclusion in the agenda of the forty-ninth session of the General Assembly of an additional item of an urgent and important character entitled "Question of criteria for the granting of observer status in the General Assembly".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum is attached to the present letter.

(Signed) Madeleine K. ALBRIGHT
Permanent Representative of
the United States of America
to the United Nations

ANNEX

Explanatory memorandum

The proposed item reflects a perceived need to address the question of the criteria for the granting of observer status in the United Nations General Assembly.

The status of those invited to participate in the work of the General Assembly as observers has for the most part been conferred on intergovernmental organizations. Non-governmental organizations are accredited as observers to the Economic and Social Council in accordance with Council resolution 1296 (XLIV) of 23 May 1968.

In 1990, the General Assembly recognized that special treatment was appropriate for the International Committee of the Red Cross (ICRC) in the light of the specific responsibilities conferred on the ICRC by extremely widely ratified multilateral conventions.

It was clearly stated at the time observer status was proposed for the ICRC that the grant of such status was a function of the unique situation of the ICRC and should not constitute a precedent for the granting of observer status to any other entity of a non-governmental character. It was on that understanding that many States supported the proposal.

Subsequent recent decisions and current requests concerning observer status in the General Assembly risk casting doubt on the well established basic approach of limiting General Assembly observer status to non-member States and intergovernmental organizations.

There is a substantial risk that if the General Assembly continues to depart from the established criteria, there will be no basis for distinguishing between those organizations entitled to General Assembly observer status and those not. There are many organizations that can assert "a special role in international humanitarian relations". Indeed, if we are to include non-governmental organizations with a particular interest in humanitarian relations, would there be any basis for not including other non-governmental organizations in other fields such as, but not limited to, environmental matters? If that is to be the criteria, there may be little basis for avoiding so dramatic an expansion of the number of requests for such status that the General Assembly will either have its work impaired or will have to consider drastic curtailment of the privileges that flow from the possession of observer status. At the least, these concerns merit serious consideration before any action is taken further prejudicing existing criteria.

We consequently believe that consideration should be given to the question of criteria for granting of such status before any further decisions are taken which could prejudice the question.

The Sixth (legal) Committee is in our view the most appropriate forum to consider the question of elaborating criteria for the granting of observer

status. We believe that the Sixth Committee should consider establishing a working group to consider these issues.

In order to avoid further prejudicing the situation before consideration of the question of criteria, it is recommended that the item entitled "Observer Status for the International Federation of Red Cross and Red Crescent Societies in the General Assembly" be allocated to the Sixth (legal) Committee as well.

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Forty-ninth session

REQUEST FOR THE INCLUSION OF AN ADDITIONAL SUB-ITEM IN THE AGENDA OF THE FORTY-NINTH SESSION

EMERGENCY INTERNATIONAL ASSISTANCE FOR PEACE, NORMALCY AND RECONSTRUCTION OF WAR-STRICKEN AFGHANISTAN

Letter dated 21 September 1994 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General

Upon the instructions of the Government of the Islamic State of Afghanistan, in accordance with the provisions of rule 15 of the rules of procedure of the General Assembly, I have the honour to request the inclusion of "Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan" as an additional sub-item, which would become sub-item "e", of item 37, "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance, of the agenda of the forty-ninth session regular session of the General Assembly.

The sub-item on Afghanistan proposed above is identical to item 41 of the agenda of the forty-eighth regular session of the General Assembly, which appeared as an independent item.

An explanatory memorandum justifying the request is attached, in accordance with rule 20 of the rules of procedure of the General Assembly (see annex).

I would be glad if you could arrange for the distribution of the present request, including the explanatory memorandum, as an official document of the current regular session of the General Assembly.

(Signed) R. A. G. FARHADI
Ambassador
Permanent Representative

ANNEX

Explanatory memorandum

Upon the recommendation of the Second Committee, the General Assembly, at its forty-eighth regular session, decided that all items pertaining to special economic assistance of the United Nations to the needy Member States should be considered by the Assembly at its forty-ninth session under one item, "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance".

Accordingly, in paragraph 45 of section IV of the memorandum by the Secretary-General containing the allocation of items submitted for the consideration of the General Committee (A/BUR/49/1), item 37 consists of four sub-items in which some of the items regarding special economic assistance, inter alia, that entitled "Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan", have been omitted.

The Ministry of Foreign Affairs of the Islamic State of Afghanistan submits the following considerations pertaining to the need to add a sub-item "e", entitled "Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan", to item 37 of the agenda of the forty-ninth regular session of the General Assembly:

(a) The item on assistance to Afghanistan as it appears in the agenda of the last session of the General Assembly cannot be considered as an item of a purely economic character. As you and the distinguished representatives of the Member States are aware, the General Assembly, at its forty-eighth session, decided to modify the title of the item to include "peace and normalcy" as one of the main objectives for the attainment of which the United Nations would take some initiatives;

(b) In adopting resolution 48/208 of 21 December 1993, the General Assembly requested the Secretary-General to appoint a special mission to be dispatched to Afghanistan in order to encourage and support the political process in the country aimed at finding a political solution to the conflict in Afghanistan. Pursuant to that resolution, the Secretary-General appointed a United Nations special mission, headed by Ambassador Mahmoud Mestiri, to travel to Afghanistan and to canvass a broad spectrum of Afghan opinion on how the United Nations could assist the political process in Afghanistan and its reconstruction;

(c) The special mission, after conducting two rounds of consultations, is now at the beginning of the third round. The report of the special mission, which is predominantly a political one, contains many recommendations on political assistance of the international community to Afghanistan. The report will be submitted to the General Assembly for its consideration under the item on Afghanistan;

(d) In the light of the above and in particular in view of the examination of the situation in Afghanistan by the Security Council on three different

occasions during 1994, the Islamic State of Afghanistan is of the opinion that the consideration of "Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan" urgently needs to be considered as a sub-item to item 37, if not an independent item. This would be more suitable to maintain the momentum of the international community's attention on Afghanistan and as a response to the report of the United Nations special mission headed by Ambassador Mestiri.

It is the expectation of the Islamic State of Afghanistan that the item will be discussed in plenary, as recommended.

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REQUEST FOR THE INCLUSION OF AN ADDITIONAL SUB-ITEM IN THE AGENDA OF THE FORTY-NINTH SESSION

EMERGENCY INTERNATIONAL ASSISTANCE FOR A SOLUTION TO THE PROBLEM OF REFUGEES, THE RESTORATION OF TOTAL PEACE, RECONSTRUCTION AND SOCIO-ECONOMIC DEVELOPMENT IN WAR-STRICKEN RWANDA

Letter dated 13 October 1994 from the Permanent Representative of Rwanda to the United Nations addressed to the Secretary-General

On the instructions of the Government of Rwanda, and pursuant to rule 15 of the rules of procedure of the General Assembly, I have the honour to request the inclusion in the agenda of the forty-ninth session of the General Assembly of an additional item entitled "Emergency international assistance for a solution to the problem of refugees, the restoration of total peace, reconstruction and socio-economic development in war-stricken Rwanda".

This matter would become a sub-item under agenda item 37, entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance".

The proposed sub-item on Rwanda is suitable for consideration in the Second Committee, under the question entitled "Emergency assistance for the socio-economic rehabilitation of Rwanda", which was a separate item on the agenda of the forty-eighth session of the General Assembly (agenda item 171) and was the subject of Assembly resolution 48/211, dated 21 December 1993.

An explanatory memorandum in support of the above request accompanies this letter, in accordance with rule 20 of the rules of procedure of the General Assembly (see annex).

I should be grateful if you would arrange for this request, including the explanatory memorandum, to be circulated as a document of the General Assembly.

[Signed] Manzi BAKURAMUTSA
Ambassador
Permanent Representative of Rwanda
to the United Nations

ANNEX

Explanatory memorandum

On the recommendation of the Second Committee, the General Assembly, at its forty-eighth regular session, decided that all questions relating to United Nations special economic assistance to Member States in need of such assistance should be considered by the General Assembly at its forty-ninth session under a single item entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance".

Accordingly, in paragraph 45 of the memorandum by the Secretary-General which, for the consideration of the General Committee, gives the allocation of items (A/BUR/49/1), item 37 has four sub-items but fails to include certain questions relating to special economic assistance, including the question entitled "Emergency international assistance for a solution to the problem of refugees, the restoration of total peace, reconstruction and socio-economic development in war-stricken Rwanda".

The Minister for Foreign Affairs and Cooperation of Rwanda draws attention to the following considerations as grounds for the inclusion of a new sub-item entitled "Emergency international assistance for a solution to the problem of refugees, the restoration of total peace, reconstruction and socio-economic development in war-stricken Rwanda" in the agenda of the forty-ninth regular session of the General Assembly, under item 37:

(a) The long war in Rwanda (1990-1994) has brought about the destruction of socio-economic infrastructures, the collapse of basic services in all regions in which hostilities took place, the displacement of population groups on a massive scale and the exile of huge numbers of refugees;

(b) From the economic standpoint, everything needs to be done or redone, given the disastrous state of the agricultural sector, which comprises 96 per cent of the population, and the crumbling of Rwanda's fragile industrial base, together with the destruction on a considerable scale of socio-economic and administrative equipment and facilities;

(c) From the standpoint of human resources, the tragedy of genocide and other human losses has deprived the country of many development agents. In addition to this tragedy, there is the pitiful situation of thousands of war-displaced persons and millions of refugees, requiring subsidies of many kinds and resettlement;

(d) The signing of the Arusha Peace Agreement in the United Republic of Tanzania on 4 August 1993 continues to provide legal and political foundations for a new era of peace and national reconciliation which would enable the Rwandese people to work towards reconstruction and national development;

(e) In humanitarian terms, the situation is even more disastrous than it was when the Department of Humanitarian Affairs launched the Consolidated Inter-Agency Appeal for Rwanda in favour of displaced persons;

(f) This inter-agency appeal, which has helped to improve the humanitarian situation in Rwanda, merits the renewed manifestation of increased generosity on the part of the international community, in view of the tremendous need for food and infrastructure and the other inevitable requirements of the post-war period;

(g) Because of the magnitude of the work to be done pursuant to the Arusha Peace Agreement, the Security Council, in its resolution 872 (1993) of 5 October 1993, urged Member States, United Nations agencies and non-governmental organizations to provide and intensify their economic, financial and humanitarian assistance in favour of the Rwandese population and of the democratization process in Rwanda;

(h) Since the war has undermined all economic development efforts, and since this post-war period demands national reconciliation, the restoration of total peace, reconstruction and development, urgent action on the part of the international community is required to advance the economic and social rehabilitation of Rwanda. Various forms of assistance are all the more urgent in that the new post-war situation calls for the deployment of substantial resources which are beyond Rwanda's capacity to provide;

(i) The assistance requested will enable Rwanda to implement the relevant provisions of the aforementioned Peace Accord, to revitalize the economy, to consolidate national reconciliation, to reconstruct and rehabilitate the various infrastructures destroyed, to resettle the displaced persons and refugees, where they belong; in short, it will permit the socio-economic rehabilitation of Rwanda to be effected in pursuit of self-development.

UNITED NATIONS **A**

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A/49/234
25 October 1994

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Forty-ninth session

REQUEST FOR THE INCLUSION OF AN ADDITIONAL ITEM IN THE AGENDA OF THE FORTY-NINTH SESSION

CAPITAL PUNISHMENT

Letter dated 21 October 1994 from the Permanent Representatives of Cambodia, Guinea-Bissau, Honduras, Italy and Malta to the United Nations addressed to the Secretary-General

Upon instructions from our Governments, we are writing to request, in accordance with rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the forty-ninth session of the General Assembly of an additional item of an important and urgent character entitled "Capital punishment".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum and the text of a draft resolution are attached to the present letter.

(Signed) F. Paolo FULCI
Permanent Representative of Italy
to the United Nations

(Signed) Joseph CASSAR
Permanent Representative of Malta
to the United Nations

(Signed) Boubacar TOURE
Permanent Representative of the
Republic of Guinea-Bissau
to the United Nations

(Signed) Gerardo MARTINEZ BLANCO
Permanent Representative of Honduras
to the United Nations

(Signed) SISOWATH Sirirath
Permanent Representative of the
Kingdom of Cambodia to the
United Nations

ANNEX

Explanatory memorandum

Since the adoption of the Universal Declaration of Human Rights, the United Nations has shown a continuing interest in the study of the question of capital punishment, with a view to promoting full respect for everyone's right to life, and has taken various initiatives aiming at reaching the ultimate goal of abolishing the death penalty in all countries. Among these is General Assembly resolution 44/128 of 15 December 1989, by which the Assembly adopted the Second Optional Protocol to the International Covenant on Civil and Political Rights.

The question of capital punishment has become particularly urgent in recent times, in view of the continuing high number of death sentences and executions in various parts of the world. On 4 October 1994, the Parliamentary Assembly of the Council of Europe adopted a resolution in which it underlined this urgency and asked all States that had not yet abolished capital punishment to do so rapidly. We also would like to recall the resolution adopted by the European Parliament on 12 March 1992 pointing in the same direction.

In accordance with such a line, our countries have decided to promote appropriate action within the United Nations, aiming at contributing to an eventual abolition of capital punishment. This initiative reflects the sentiments of the overwhelming majority of our peoples, who are firmly opposed to the imposition of the death penalty anywhere in the world.

Therefore, we would like to request the inclusion of the question of capital punishment in the agenda of the forty-ninth session of the General Assembly, and to this end submit the attached draft resolution.

In our view, the Third Committee is the most appropriate forum in which to consider the question of capital punishment. We therefore recommend that the proposed item be assigned to the Third Committee.

APPENDIX

Draft resolution

The General Assembly,

Recalling article 3 of the Universal Declaration of Human Rights, which affirms everyone's right to life,

Recalling its resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977, as well as resolution 44/128 of 15 December 1989, by which it adopted the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

Recalling also Economic and Social Council resolutions 1574 (L) of 20 May 1971, 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1985/33 of 29 May 1985, 1990/29 of 24 May 1990 and 1990/51 of 24 July 1990,

Deeply concerned about the fact that capital punishment is still retained and used for ordinary crimes by a consistent number of Member States and that several countries impose the death penalty in disregard of the safeguards provided in the International Covenant on Civil and Political Rights for juveniles and pregnant women,

Commending the fact that both in the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law committed in the Territory of the Former Yugoslavia since 1991, established by the Security Council in its resolution 827 (1993) of 25 May 1993, and in the draft statute for an international criminal court, elaborated by the International Law Commission, capital punishment is excluded from the penalties that these courts are authorized to impose,

Believing that abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights,

1. Calls upon all Governments in a position to do so to consider signing and ratifying or acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights;

2. Invites all States, referring to its resolutions 2857 (XXVI) and 32/61, to consider the progressive restriction of the number of offences for which the death penalty may be imposed and the exclusion of juveniles and pregnant women from capital executions;

3. Encourages all Member States to consider the opportunity of introducing the necessary amendments in their legislation with a view to the desirability of abolishing the death penalty in all countries, thus promoting full respect for everyone's right to life, as well as for the expectation of every human being not to be killed following a legal sentence or judicial measure;

4. Also encourages all States to consider the opportunity of instituting moratoria on pending executions, with a view to ensuring that the principle that no State should dispose of the life of any human being is affirmed in every part of the world by the year 2000.

UNITED NATIONS **A**

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26 October 1994
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Forty-ninth session

REQUEST FOR THE INCLUSION OF AN ADDITIONAL SUB-ITEM IN THE AGENDA OF THE FORTY-NINTH SESSION

SPECIAL ASSISTANCE TO COUNTRIES RECEIVING REFUGEES FROM RWANDA

Letter dated 26 October 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Zaire to the United Nations addressed to the Secretary-General

On orders from the Government of Zaire, and pursuant to the provisions of rule 15 of the rules of procedure of the General Assembly, I have the honour to request you to include an additional item entitled "Special assistance to countries receiving refugees from Rwanda" in the agenda of the forty-ninth session of the General Assembly.

This item would become a sub-item of agenda item 37, entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance".

Pursuant to rule 20 of the rules of procedure of the Assembly, I attach an explanatory memorandum in which my Government requests assistance through the General Assembly. A draft resolution will be submitted to the Assembly in due course.

It would be desirable for this item to be considered directly in plenary meeting.

I should be grateful if you would have the text of this request, including the explanatory memorandum, circulated as a document of the General Assembly.

(Signed) LUKABU KHABOUJI N'ZAJI
Deputy Permanent Representative
Chargé d'affaires a.i.

EXPLANATORY MEMORANDUM

1. The international community will recall that the deaths of President Habyarimana of Rwanda and President Ntaryamira of Burundi when the aircraft carrying them crashed on 6 April 1994 triggered the ethnic massacres in Rwanda. These led to an unprecedented influx of refugees towards the eastern frontier regions of Zaire.

2. The number of these Rwandese refugees and displaced persons settled at Goma and Bukavu is today estimated at more than 2 million.

3. This massive presence of refugees is having disastrous consequences of all kinds, particularly sanitary, economic and environmental. Thus, as a result of overcrowding and malnutrition there have been renewed outbreaks of long-eradicated diseases, claiming many victims among the refugees and among Zairians. The number of deaths resulting from cholera, dysentery, typhus and dehydration is estimated at around 800,000. This is a truly massive toll.

4. Faced with this highly disturbing situation, the Zairian Government has proclaimed the regions of Northern Kivu and Southern Kivu as disaster areas.

5. The most recent information from these regions reports not only growing insecurity, but also continuing havoc being caused by these diseases at Goma and Bukavu, despite the humanitarian interventions by the international community.

6. For this reason, if nothing is done, a prolonged stay of the Rwandese refugees in Zairian territory can only aggravate the socio-economic, environmental and health problems in this part of Zaire, while exacerbating an insecurity which already gives cause for concern. Only substantial humanitarian assistance on the part of the international community would make it possible to curb these scourges by relieving both the refugee and the Zairian victims of the tragedy in Rwanda.

7. It is important that the General Assembly should take action so that real assistance is extended to the host country which has agreed to house these refugees despite a particularly difficult economic situation. At the same time, it is vital that it should request the Rwandese Government to facilitate the return of the refugees to their country in order to avoid the long-term establishment of the Rwandese camps in Zaire.